



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 1  
5 POST OFFICE SQUARE, SUITE 100  
BOSTON, MA 02109-3912**

August 2, 2019

**VIA ELECTRONIC MAIL**

ITT Corporation n/k/a ITT, LLC c/o  
Rachel M. Becker McEntee, Esq.  
Bernstein Shur  
100 Middle Street  
PO Box 9729  
Portland, ME 04104-5029

Re: Keddy Mill Superfund Site in South Windham, Maine: For Settlement Purposes Only

Dear Ms. McEntee:

EPA has reviewed your July 24, 2019 letter on behalf of ITT Corporation n/k/a ITT, LLC ("ITT") in connection with the Keddy Mill Superfund Site ("the Site"), located in South Windham, Maine. After requesting and receiving an extension of time in which to submit a good-faith offer in response to an April 17, 2019 Special Notice Letter, ITT offered to pay for less than one quarter of the cost of performing the Non-Time Critical Removal Action ("NTCRA") required at the Site. ITT's offer is concerning in light of the evidence of ITT's liability at the Site and the threat posed by the deteriorating building at the Site.

As you know, CERCLA's liability is retroactive and joint and several. 42 U.S.C. § 9607. At this Site, EPA has made a significant effort to identify and pursue all of the viable parties who have potential liability; EPA is not precluded, however, from settling with less than all potentially responsible parties in the exercise of its enforcement discretion. Here, the evidence regarding ITT's predecessor's ownership and operation of the Site facility at the time of disposal is clear and convincing. During this period there was a "major fire" at the facility that required aid from nine neighboring communities<sup>1</sup> caused by the ignition of oil which "heavily damaged the side and roof of the 120-foot building and destroyed an attached office and several blast furnaces." Moreover, a former employee of Keddy Manufacturing Company has stated that the facility used capacitors containing insulating oil with PCBs that would occasionally explode and

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<sup>1</sup> Annual Report of the Town Officers, Windham, Maine, For the Year Ending December 31, 1969, Report of the Fire Chief; Portland Press Herald, November 28, 1969.



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that steel shavings mixed with lubricating oils would be thrown out of the facility onto the ground.<sup>2</sup>

Given ITT's liability for contamination at the Site, we request that ITT reconsider its initial position that it would not conduct the NTCRA. EPA is considering all of the enforcement options at its disposal, but we would like to meet with you in order to provide ITT with a final opportunity to settle this matter. At that meeting we can also discuss the current status of the enforcement action. The case team is proposing to meet at EPA offices in Boston on August 27, 2019 at 10 A.M. A case team member from the United States Department of Justice will also be at the meeting.

Please confirm your availability for this meeting by August 7, 2019.

Please note that any settlement is subject to review and approval by federal management officials, and nothing in this letter is intended to be, or should be construed as, a waiver of EPA's authority to take any enforcement or response action authorized by law.

Thank you for your cooperation in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'Susan Scott', with a long horizontal flourish extending to the right.

Susan Scott  
Senior Enforcement Counsel

cc: Katherine A Joyce, Esq.  
Leslie McVickar, EPA Remedial Project Manager  
Alex Sherrin, EPA On-Scene Coordinator  
Ruthann Sherman, EPA Senior Enforcement Counsel  
Natalie Harrison, USDOJ  
Rachel King, USDOJ

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<sup>2</sup> Affidavit of James Israel, December 6, 2017.